

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KALIEF RETHAGE,)	Civil Action No. 05-289
)	
v.)	District Judge Terrence F. McVerry
)	Chief Magistrate Judge Lisa Pupo Lenihan
ATTORNEY GENERAL OF THE)	
STATE OF PA, <i>et al.</i> ,)	

ORDER

AND NOW, this 17th day of April, 2014, after the Petitioner, Kalief Rethage, filed a Motion Pursuant to Federal Rule of Civil Procedure 60(b)(2) in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until March 27, 2014, to file written objections thereto, and Petitioner have filed objections on March 26, 2014 and April 1, 2014, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation and Petitioner's objections thereto,

IT IS HEREBY ORDERED that for the reasons set forth in the Report and Recommendation, which is adopted as the opinion of this Court, Petitioner's Motion Pursuant to Federal Rule of Civil Procedure 60(b)(2) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700

Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Terrence F. McVerry
Senior United States District Judge

Cc:

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Via CM/ECF Electronic Mail